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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,276	01/20/2006	Patrick Gehlen	32860-000989/US	7963

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EXAMINER	
GAMI, TEJAL	
ART UNIT	PAPER NUMBER
2121	
MAIL DATE	DELIVERY MODE
06/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,276	GEHLEN ET AL.	
	Examiner	Art Unit	
	TEJAL J. GAMI	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to a PRE-APPEAL BRIEF CONFERENCE entered February 26, 2008 for the patent application 10/565276.

Status of Claims

2. Claims 1-14 were rejected in the last Office Action dated December 27, 2007. As a response to the December 27, 2007 office action, Applicant requested a Pre-Appeal Brief Conference. As a result of the pre-appeal brief conference decision, examiner is vacating the previous office action. This action is made Final.

Claims 1-14 are now pending in this office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Krivoshein (U.S. Patent Number: 6,449,715).

As to dependent claim 1, Krivoshein discloses a coupling apparatus for data buses (e.g., process control system 10) (see Figure 1), comprising:

a first connecting device (e.g., Profibus device network 34) for a first data bus (e.g., Profibus) (see Col. 8, Lines 20-23);

a second connecting device (e.g., AS-Interface device network 36) for a second data bus (e.g., AS-Interface) (see Col. 10, Lines 7-10), as additional to the first connecting device (e.g., Profibus device network 34) (see Col. 7, Lines 42-47);

a data processing device (e.g., controller 12) (see Figure 1), connected to the first (e.g., Profibus device network 34) and the second (e.g., AS-Interface device network 36) connecting device to allow data to be interchanged between the data buses (see Col. 7, Lines 42-47); and

a third connecting device (e.g., Fieldbus device network 30), connected to the data processing device (e.g., controller 12) (see Figure 1), for a third data bus (e.g., Fieldbus) (see Col. 7, Lines 57-61), as additional to the first (e.g., Profibus device network 34) and second (e.g., AS-Interface device network 36) data buses (see Col. 7, Lines 42-47), to allow data to be interchanged between the three data buses (see Col. 7, Lines 42-47), wherein the second data bus is a different type of bus system (e.g., AS-Interface device network 36) than the first data bus (e.g., Profibus device network 34), and the third data bus is a different type of bus system (e.g., Fieldbus device network 30) than the first data bus (e.g., Profibus device network 34) and the second data bus (e.g., AS-Interface device network 36) (see Col. 7, Lines 42-47).

As to dependent claim 2, Krivoshein teaches the coupling apparatus as claimed in claim 1, wherein the coupling apparatus is configurable (e.g., configuration system for use in a process control network) (see Abstract).

As to dependent claim 3, Krivoshein teaches the coupling apparatus as claimed in claim 2, wherein the coupling apparatus is configurable in such a way that the data transfer between at least two of the data buses is controllable as a function of the semantics of the data to be transmitted (e.g., protocol) (see Abstract).

As to dependent claim 4, Krivoshein teaches the coupling apparatus as claimed in claim 1, wherein the first data bus is a Profibus (e.g., Profibus) (see Col. 8, Lines 20-23).

As to dependent claim 5, Krivoshein teaches the coupling apparatus as claimed in claim 1, wherein the second data bus is an AS-i bus (e.g., AS-Interface) (see Col. 10, Lines 7-10).

As to dependent claim 6, Krivoshein teaches the coupling apparatus as claimed in claim 1, wherein at least one of input and output modules are connectable to the third data bus and are linkable to at least one of the first and the second data bus with the aid of the coupling apparatus (e.g., I/O configurator) (see Figure 2).

As to dependent claim 7, Krivoshein teaches the coupling apparatus as claimed in claim 1, including a monitor with a configuration capability (e.g., screen displays used by the configuration system of Figure 2 to enable input) (see Figures 6-25).

As to dependent claim 8, Krivoshein teaches the coupling apparatus as claimed in claim 2, wherein the first data bus is a Profibus (e.g., Profibus) (see Col. 8, Lines 20-23).

As to dependent claim 9, Krivoshein teaches the coupling apparatus as claimed in claim 2, wherein the second data bus is an AS-i bus (e.g., AS-Interface) (see Col. 10, Lines 7-10).

As to dependent claim 10, Krivoshein teaches the coupling apparatus as claimed in claim 3, wherein the first data bus is a Profibus (e.g., Profibus) (see Col. 8, Lines 20-23).

As to dependent claim 11, Krivoshein teaches the coupling apparatus as claimed in claim 3, wherein the second data bus is an AS-i bus (e.g., AS-Interface) (see Col. 10, Lines 7-10).

As to dependent claim 12, Krivoshein teaches the coupling apparatus as claimed in claim 4, wherein the second data bus is an AS-i bus (e.g., AS-Interface) (see Col. 10, Lines 7-10).

As to dependent claim 13, Krivoshein teaches the coupling apparatus as claimed in claim 2, wherein input/output modules are connectable to the third data bus and are linkable to at least one of the first and the second data bus with the aid of the coupling apparatus (e.g., I/O configurator) (see Figure 2).

As to dependent claim 14, Krivoshein teaches the coupling apparatus as claimed in claim 1, including a monitor with a configuration capability (e.g., screen

displays used by the configuration system of Figure 2 to enable input) (see Figures 6-25).

Response to Arguments

5. Applicant's arguments filed July 23, 2007 and February 26, 2008 are moot in light of new grounds of rejections necessitated by the amendment submitted July 23, 2007.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krivoshein et al. (U.S. Patent Number: 6,446,2020) teaches process control configuration system for use with an as-interface device network.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/
Supervisory Patent Examiner
Tech Center 2100

/TJG/